hybridizing the sample with a probe comprising at least 16 contiguous nucleotides comprising a sequence complementary to said target polynucleotide in the sample, and which probe specifically hybridizes to said target polynucleotide, under conditions whereby a hybridization complex is formed between said probe and said target polynucleotide, and

detecting the presence or absence of said hybridization complex, and, optionally, if present, the amount thereof.

**25.** (New) A method of claim 24, wherein the probe comprises at least 30 contiguous nucleotides.

**26.** (New) A method of claim 24, wherein the probe comprises at least 60 contiguous nucleotides.

~~**27.** (New) A pharmaceutical composition comprising a polypeptide of claim 1 in conjunction with a suitable pharmaceutical carrier.~~

## REMARKS

In response to the restriction requirement, Applicants elect the claims of Group I (claims 1 and 2, and newly added claims 21-22 and 27) with traverse. Applicants submit that the invention encompassed by the claims of Groups I and III (drawn to polypeptides and antibodies to the polypeptides) could be examined at the same time, without undue burden on the Examiner. For example, a search of the prior art to determine the novelty of the antibodies would substantially overlap with a search of the claims directed to the polypeptide, as they would also encompass compounds which bind to the polypeptide. Note that this would also apply to the claims of group IV-VI, as amended.

Accordingly, because the searches required to identify prior art relevant to the claims of Groups I and III-VI would substantially overlap, Applicants respectfully submit that examination

of all of the pending claims would pose no undue burden. Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the entirety of Applicants' claims.

Moreover, it is noted that the polynucleotides of original claim 3, expression vectors and host cells containing them, methods of making the polypeptide encoded by the polynucleotides and methods of hybridization have already been examined and issued in the parent application. Applicants submit herewith new claims 23-26, which are drawn to substantially the same invention, but of a different scope. Applicants respectfully submit that there is minimal additional burden on the Examiner to examine those claims in addition to the claims elected in the present application, particularly in view of the searches and examination which were already conducted with respect to the previously issued claims and the additional burden on Applicants to file, prosecute and maintain yet another application in this family, and respectfully request that the Examiner consider doing so.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Incyte Pharmaceuticals, Inc. Deposit Account No. **09-0108.**

**This form is enclosed in duplicate.**

Respectfully submitted,

INCYTE PHARMACEUTICALS, INC.

Date: 23 December 1999

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